



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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SECRETARIAT

2003 MAY 14 P 1:11


May 14, 2003


**AGENDA ITEM**  
For Meeting of: 5-15-03


**SUBMITTED LATE**


MEMORANDUM

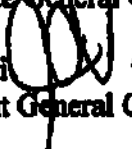
**TO:** The Commission

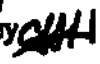
**THROUGH:** James A. Pehrkon   
Staff Director

**FROM:** Lawrence H. Norton   
General Counsel

James Kahl   
Deputy General Counsel

Rosemary C. Smith   
Acting Associate General Counsel

John C. Vergelli   
Acting Assistant General Counsel

Cheryl A.F. Hemsley   
Staff Attorney

**Subject:** Draft Amendment AO 2003-07

Attached is a possible amendment to Agenda Document 03-34. The attached language would be inserted at page 4, line 13. We request that this draft amendment be placed on the agenda for May 15, 2003.

Attachment

1 Insert the following after the word "activity" on page 4, line 13.

2

3 "The Commission notes that this advisory opinion analyzes the Act, as amended by the  
4 Bipartisan Campaign Reform Act of 2002 ("BCRA"), and Commission regulations,  
5 including those promulgated to implement the BCRA amendments, as they pertain to  
6 your proposed activities. On May 2, 2003, a three-judge panel of the United States  
7 District Court for the District of Columbia ruled that a number of BCRA provisions are  
8 unconstitutional and issued an order enjoining the enforcement, execution, or other  
9 application of those provisions. McCconnell v. FEC, Civ. No. 02-2003 WL 21003144  
10 (D.D.C. May 2, 2003), notice of appeal filed (U.S. May 2, 2003). The District Court  
11 ruling has been appealed to the United States Supreme Court. The Commission has  
12 determined that your request for advice is not affected by the District Court's ruling. The  
13 Commission cautions that the legal analysis in this advisory opinion may be affected by  
14 the eventual decision of the Supreme Court."